

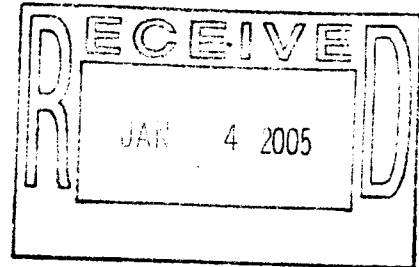


## CALIFORNIA GRAPE & TREE FRUIT LEAGUE

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December 28, 2004

Mr. Michael Leason, Supervisor  
Plastic Recycling Technologies Section  
California Integrated Waste Management Board  
P.O. Box 4025  
Sacramento, CA 95812



Dear Mr. Leason:

The California Grape & Tree Fruit League would like to submit comments regarding the Integrated Waste Management Board's December 17, 2004, revised draft report to the California Legislature in reference to the *California Plastic Trash Bag Program*. The League is a statewide agricultural trade association that represents approximately 85 percent of California's fresh deciduous tree fruit and table grape shipments. The League's members use a significant amount of plastic material in the process of growing, packing, and shipping fresh fruit.

The revised report contains a number of significant changes from the previous draft. The recommendations, if implemented, will have a major impact on manufacturers and users of plastic film products. However, the Integrated Waste Management Board only provided for a brief period for industry to review and comment on the revised report. The California Grape & Tree Fruit League strongly suggests that you extend the comment period an additional 30 days to facilitate a thorough analysis of the draft report.

The League is also concerned that the revised report does not provide adequate detail regarding a number of key points, and this hinders industry's ability to comment on the substance of the recommendations. For example:

- What will be the goals of the proposed memoranda of understanding (MOUs) to be negotiated with stakeholders? Are there specific targets (e.g., tonnage of material recycled) that must be required for each firm, each type of film product, and the entire plastics industry? How would the targets be derived and verified?
- How would the MOUs with stakeholders be negotiated? What process would be used to resolve disputes if an agreement cannot be reached or if there is an alleged deviation from the agreement?
- What materials would be covered by the MOUs?
- What would be the specific set of conditions that the Board would use to institute the proposed new mill tax? How did the Board arrive at the proposed 0.4 cent-1 cent per pound mill tax? Would the revenue from the mill tax be used to finance the construction of public or private facilities? Who would be responsible for managing those resources and deciding which projects to fund?

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- Has the Board considered an incentive-based system to promote reductions in the waste stream instead of a punitive tax-based system? This approach appears to be quite successful for reducing the number of aluminum containers in the waste stream. Why won't this system work for plastic materials?
- Is the Board allowing enough time in the proposed action plan to allow stakeholders to fully implement the MOUs, adjust practices, invest in new equipment, and affect positive change?

Although the League appreciates the Integrated Waste Management Board's efforts to address this issue, it remains concerned that the draft report is quite deficient with respect to the precise objectives and methods of the proposed program. The League believes that it is the function of the Board, and not the Legislature, to develop a fully formed and carefully crafted program. The current draft report does not meet that standard and should not be released in its current form.

The California Grape & Tree Fruit League looks forward to continuing a dialogue with the Board on this important topic. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rob Neenan', with a stylized flourish extending from the end.

Rob Neenan  
Director of Trade Services